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Draft resolution submitted by the Chairman following informal consultations

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges of the International Criminal Tribunal for the Former Yugoslavia and judges of the International Criminal Tribunal for Rwanda

The General Assembly,

Recalling section VIII of its resolution 53/214 of 18 December 1998 and resolution 56/285 of 27 June 2002 on the conditions of service and compensation for officials other than secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, resolution 55/249 of 12 April 2001 on the conditions of service and compensation for the ad litem judges of the International Criminal Tribunal for the Former Yugoslavia and resolution 57/289 of 20 December 2002 on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Having considered the report of the Secretary-General,[1]

[1] A/C.5/57/36.

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1. *Decides* to amend article 1 of the Pension Scheme Regulations for the members of the International Court of Justice and to replace that article with the provisions set out in annex I to the present resolution;

2. *Decides* to amend article 1 of the Pension Scheme Regulations for the judges of the International Criminal Tribunal for the Former Yugoslavia and to replace that article with the provisions set out in annex II to the present resolution;

3. *Decides* to amend article 1 of the Pension Scheme Regulations for the judges of the International Criminal Tribunal for Rwanda and to replace that article with the provisions set out in annex III to the present resolution.

Annex I

Pension Scheme Regulations for the Members of the International Court of Justice (based on the provisions of General Assembly resolution 38/239 of 20 December 1983 and section VIII of resolution 53/214 of 18 December 1998 and applicable as from 1 January 1999)

Article 1
Retirement pension

1. A member of the International Court of Justice who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his or her life, subject to paragraphs 6 and 7 below, to a retirement pension, payable monthly provided that he or she has:

(a) Completed at least three years of service;

(b) Not been required to relinquish his or her appointment under Article 18 of the Statute of the Court for reasons other than the state of his or her health.

2. For a member who has served a full term of nine years, the annual pension entitlement shall be:

(a) for the year 1999, 60,000 United States dollars;

(b) for the year 2000, 70,000 dollars;

(c) with effect from 1 January 2001, one half of the annual salary.

3. A member serving in office as of 31 December 1998, who has been or is re-elected, shall be entitled to an increase in the amount of the pension by one three-hundredth of the amount payable under paragraph 2 for each month of service in excess of nine years, provided that maximum retirement pension shall not exceed two thirds of his or her annual salary:

(a) for the year 1999, a maximum of 81,600 dollars;

(b) for the year 2000, a maximum of 95,200 dollars;

(c) for the year 2001, two thirds of the annual salary, 106,667 dollars.

4. A member who has served for less than a full term of nine years shall be entitled to a retirement pension in the amount of that proportion of one half of the annual salary which the number of months of his or her actual service bears to 108.

5. A member who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he or she reached that age may elect to receive a pension from any date after the date on which he or she ceases to hold office. Should he or she so elect, an actuarial reduction factor of one half of one per cent per month should be applied on the retirement pension which would have been paid to him or her at the age of 60.

6. No retirement pension shall be payable to a former member who has been re-elected to office until he or she again ceases to hold office. At that time, the amount of his or her pension shall be calculated in accordance with paragraphs 2 to 4 above on the basis of his or her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him or her before he or she reached the age of 60.

7. No retirement pension shall be payable to a former member who has been elected or appointed a permanent judge of the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda or who has been appointed to serve in the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda as an ad litem judge until he or she ceases to hold that office or appointment.

Annex II

Pension Scheme Regulations for the Judges of the International Criminal Tribunal for the Former Yugoslavia (based on the provisions of section VIII of General Assembly resolution 53/214 of 18 December 1998 and applicable as from 1 January 1999)

Article 1
Retirement pension

1. A judge of the International Criminal Tribunal for the Former Yugoslavia who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his or her life, subject to paragraphs 4 and 5 below, to a retirement pension, payable monthly provided that he or she has:

(a) Completed at least three years of service;

(b) Not been required to relinquish his or her appointment under Article 18 of the Statute of the Court for reasons other than the state of his or her health.

2. The amount of the retirement pension shall be determined as follows:

(a) If the judge has served a full term of four years and ceases to hold office after 1 January 2001, the amount of the annual pension shall be two ninths (2/9) of the annual salary;

(b) If the judge has served a full term of four years and ceases to hold office after 1 January 1999, but before 1 January 2000, the amount of the annual pension shall be 26,500 United States dollars;

(c) If the judge has served a full term of four years and ceases to hold office after 1 January 2000, but before 1 January 2001, the amount of the annual pension shall be 31,000 dollars;

(d) Judges who have served a term of four years and who retire in 1999 or 2000 shall receive an increase in their pension as follows. As noted above, judges retiring in 1999 shall receive an annual pension of 26,500 dollars. Their annual pension shall be increased to 31,000 dollars in 2000 and to 35,500 dollars in 2001. Judges retiring in 2000 shall receive an annual pension of 31,000 dollars. The pension shall be increased to 35,500 dollars in 2001;

(e) With effect from 1 January 1999, all pensions in course of payment as at 31 December 1998, including pensions of judges who retire on or before that date, shall be increased by 10.3 per cent, i.e., the change resulting from the increase in the annual salary;

(f) If a judge served for less than a full term of four years, the amount of the pension shall be that proportion of the annual pension which the number of months of his or her actual service bears to 48;

(g) If the judge came into office prior to 1 January 1999 and has been or is subsequently re-elected for another term, he or she shall continue to receive 1/133rd of the International Tribunal's pension benefit for each further month subsequent to his or her initial term, up to a maximum pension equivalent to 8/27th of the annual salary. Judges elected to terms of office commencing after 31 December 1998 shall not be entitled to an increase in their pension benefit in case of re-election.

3. A judge who ceased to hold office before the age of 60 and who would be entitled to a retirement pension when he or she reached that age may elect to receive a pension from any date after the date on which he or she ceases to hold office. Should he or she so elect, the amount of such pension shall be that amount which has the same value as the retirement pension which would have been paid to him or her at the age of 60.

4. No retirement pension shall be payable to a former judge who has been re-elected to office until he or she again ceases to hold office. At that time, the amount of his or her pension shall be calculated in accordance with paragraph 2 above on the basis of his or her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him or her before he or she reached the age of 60.

5. No retirement pension shall be payable to a former judge who has been elected a member of the International Court of Justice or who has been elected or appointed a permanent judge of the International Criminal Tribunal for Rwanda or who has been appointed to serve on the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda as an ad litem judge until he or she ceases to hold that office or appointment.

Annex III

Pension Scheme Regulations for the Judges of the International Criminal Tribunal for Rwanda (based on the provisions of section VIII of General Assembly resolution 53/214 of 18 December 1998 and applicable as from 1 January 1999)

Article 1
Retirement pension

1. A judge of the International Criminal Tribunal for Rwanda who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his or her life, subject to paragraphs 4 and 5 below, to a retirement pension, payable monthly provided that he or she has:

(a) Completed at least three years of service;

(b) Not been required to relinquish his or her appointment under Article 18 of the Statute of the Court for reasons other than the state of his or her health.

2. The amount of the retirement pension shall be determined as follows:

(a) If the judge has served a full term of four years and ceases to hold office after 1 January 2001, the amount of the annual pension shall be two ninths (2/9) of the annual salary;

(b) If the judge has served a full term of four years and ceases to hold office after 1 January 1999, but before 1 January 2000, the amount of the annual pension shall be 26,500 United States dollars;

(c) If the judge has served a full term of four years and ceases to hold office after 1 January 2000, but before 1 January 2001, the amount of the annual pension shall be 31,000 dollars;

(d) Judges who have served a term of four years and who retire in 1999 or 2000 shall receive an increase in their pension as follows. As noted above, judges retiring in 1999 shall receive an annual pension of 26,500 dollars. Their annual pension shall be increased to 31,000 dollars in 2000 and to 35,500 dollars in 2001. Judges retiring in 2000 shall receive an annual pension of 31,000 dollars. The pension shall be increased to 35,500 dollars in 2001;

(e) With effect from 1 January 1999, all pensions in course of payment as at 31 December 1998, including pensions of judges who retire on or before that date, shall be increased by 10.3 per cent, i.e., the change resulting from the increase in the annual salary;

(f) If a judge served for less than a full term of four years, the amount of the pension shall be that proportion of the annual pension which the number of months of his or her actual service bears to 48;

(g) If the judge came into office prior to 1 January 1999 and has been or is subsequently re-elected for another term, he or she shall continue to receive 1/133rd of the International Tribunal's pension benefit for each further month subsequent to his or her initial term, up to a maximum pension equivalent to 8/27th of the annual salary. Judges elected to terms of office commencing after 31 December 1998 shall not be entitled to an increase in their pension benefit in case of re-election.

3. A judge who ceased to hold office before the age of 60 and who would be entitled to a retirement pension when he or she reached that age may elect to receive a pension from any date after the date on which he or she ceases to hold office. Should he or she so elect, the amount of such pension shall be that amount which has the same value as the retirement pension which would have been paid to him or her at the age of 60.

4. No retirement pension shall be payable to a former judge who has been re-elected to office until he or she again ceases to hold office. At that time, the amount of his or her pension shall be calculated in accordance with paragraph 2 above on the basis of his or her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him or her before he or she reached the age of 60.

5. No retirement pension shall be payable to a former judge who has been elected a member of the International Court of Justice or who has been elected or appointed a permanent judge of the International Criminal Tribunal for the Former Yugoslavia or who has been appointed to serve in the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda as an ad litem judge until he or she ceases to hold that office or appointment.